

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/695,487  
Applicant : Durward I. Faries Jr. et al.  
Confirmation No. : 5214  
Filed : October 29, 2003  
TC/A.U. : 3742  
Examiner : Pelham, Joseph Moore  
Customer No. : 27896  
Docket No. : 1654.0063CNT  
Title : Warning System and Method for Heating Various Items Utilized in Surgical Procedures

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 & 1.98

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form (PTO/SB/08A).

Applicant hereby submits the attached IDS under:

- 37 C.F.R. 1.97(b) (i.e., within three months of the filing date of the application; within three months of the date of entry of the national stage application; before the mailing of a first Office action; or before the mailing of a first Office action after the filing of a request for continued examination).
- 37 C.F.R. 1.97(c) (i.e., after the mailing of a first Office action, but before the close of prosecution). The IDS is accompanied by *one* of: The appropriate statement (indicated on Form PTO/SB08a) or (2) the fee set forth in § 1.17(p).
- 37 C.F.R. 1.97 (d) (i.e., after the close of prosecution, but on or before payment of the issue fee). The IDS is accompanied by *both* of (1) the appropriate statement (indicated on Form PTO/SB08a) and the fee set forth in § 1.17(p).

The IDS cites foreign documents not in English. Pursuant to 37 C.F.R. 1.98(a)(3), a concise explanation of the relevance is provided as indicated below:

Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Applicant submits an English-language version of the search report or action, which cites such non-English language publication(s) and indicates the degree of relevance found by the foreign office.

Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Applicant submits an English language abstract of the non-English publication(s).

Other:

The IDS cites foreign patent documents in English and/or Non-Patent Literature (NPL) Documents. Applicant submits a copy of the Abstract or of the complete publication.

Pursuant to 37 C.F.R. 1.98(a)(2)(iii), enclosed is a copy of pending patent Application Serial No. \_\_\_\_\_.

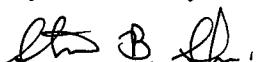
No copies of the non-English or non-patent publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. \_\_\_\_\_, to which the above-identified application claims priority under 35 U.S.C. §120.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The Director is hereby authorized to charge any additional appropriate fees that may be required for the above-identified application, and to credit any overpayment, to Deposit Account No. **05-0460**.

Dated: **10/31/07**

Respectfully submitted by:



Stuart B. Shapiro  
Reg. No. 40169

**EDELL, SHAPIRO & FINNAN, LLC**  
**CUSTOMER NO. 27896**  
1901 Research Boulevard, Suite 400  
Rockville, MD 20850  
(301) 424-3640